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MEMO ENDORSED

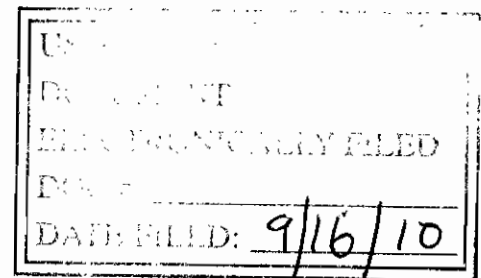
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September 14, 2010

VIA FIRST CLASS MAIL

Honorable Denise L. Cote
United States District Court
Southern District of New York
Daniel Patrick Moynihan US Courthouse
500 Pearl Street
New York, NY 10007

Re: Pefanis v. Westway Diner, Inc.
Index No.: 08CV002



Dear Judge Cote:

We represent the Plaintiff and the class in the above-referenced case. I write to respectfully request an adjournment of the trial in light of the existing trial schedules for both sides' respective counsel. Specifically, my colleague Mr. Kirschenbaum has a trial before Judge Chin in the Southern District of New York the week of October 18, 2010, and Defendant's counsel Mr. Forman and I have a trial before Judge Gleeson in the Eastern District of New York the week of October 25, 2010. This case is currently on the November 1, 2010 ready calendar. We request that the case be moved to a December 2010 ready calendar and that the deadline for the Joint Pretrial Order and the final pretrial conference be adjusted accordingly. Defendant consents to the adjournment, and this is the first request for an adjournment of the trial.

We thank the Court for its attention to this matter.

*Denise. In the event counsel are
mutually engaged on trial on November
1, the Pefanis trial will be adjourned
to a later date in November.*

Respectfully submitted,

Denise A. Schulman

cc: Arthur Forman

*Arthur Forman
Sept. 14, 2010*